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Grace Yu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Peng LIU et al.

International Application No.: PCT/CN02/00857

International Filing Date: November 29, 2002

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: CAPILLARY ELECTROPHORESIS  
CHIP APPARATUS FOR DETECTING  
NUCLEOTIDE POLYMORPHISM AND  
SINGLE NUCLEOTIDE  
POLYMORPHISM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

RECEIVED

20 OCT 2004

Legal Staff  
International Division

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition for revival, as unintentionally abandoned, the U.S. National Phase of PCT/CN02/00857, under 37 CFR §1.137(b). In accordance with Rule 137(b), this petition is accompanied by (1) a proposed response to file the international application under 37 USC §371 in the form of attached documents and fees required for entry of the U.S. national phase; (2) payment of the fee required by 37 CFR §1.17(m); and (3) a statement that the

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delay in prosecution was unintentional. This petition is filed within one month of the date on which the application became abandoned.

Failure to timely enter the U.S. national phase resulted from a docketing oversight prior to the 30 month deadline date of 30 May 2004. The invention disclosed and claimed in the PCT/CN02/00857 was invented by the Applicants (Peng LIU, Wanli XING, Dong LIANG and Jing CHENG)<sup>1</sup> while the Applicants were employed at Capital Biochip Company Ltd. and/or Tsinghua University. Prior to the 30 May 2004 date, the Applicants were not aware, nor were the Applicants informed, that the deadline for entering the U.S. national phase was 30 May 2004. Once the docketing oversight was discovered, the Applicants immediately retained the undersigned to start the process of reviving the U.S. national phase application.

In sum, both the failure to timely enter the U.S. national phase and the brief delay in filing a petition to revive the application were unintentional.

Should any further information be required to fully consider this petition, a call to the undersigned at the telephone number listed below is cordially invited.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952**. A duplicate copy of this petition is enclosed for that purpose.

- ☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner

to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 514572002400.

However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: June 25, 2004

By: 

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<sup>1</sup> For U.S. national stage purpose, the co-inventors, Peng LIU, Wanli XING, Dong LIANG and Jing CHENG, should be considered as the applicants.